

AMENDED IN ASSEMBLY JULY 12, 2005

**SENATE BILL**

**No. 1047**

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**Introduced by Senator Bowen**

February 22, 2005

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An act to amend Section 7711 of the Public Utilities Code, relating to railroad corporations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1047, as amended, Bowen. Railroad corporations: safety.

Under existing law, the Public Utilities Commission is required to annually report to the Legislature on sites on railroad lines in the state that it finds to be hazardous, including a list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous ~~five~~ 5 years.

This bill would require that the report include a list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous ~~two~~ 10 years.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 7711 of the Public Utilities Code is  
2     amended to read:  
3     7711. On or before July 1, 1992, and on or before July 1  
4     annually thereafter, the commission shall report to the  
5     Legislature on sites on railroad lines in the state it finds to be  
6     hazardous. The report shall include, but not be limited to,  
7     information on all of the following:

(a) A list of all railroad derailment accident sites in the state on which accidents have occurred within at least the previous ~~two~~ 10 years. The list shall describe the nature and probable causes of the accidents, if known, and shall indicate whether the accidents occurred at or near sites that the commission, pursuant to subdivision (b), has determined pose a local safety hazard.

(b) A list of all railroad sites in the state that the commission, pursuant to Section 20106 of Title 49 of the United States Code, determines pose a local safety hazard. The commission may submit in the annual report the list of railroad sites submitted in the immediate prior year annual report, and may amend or revise that list from the immediate prior year as necessary. Factors that the commission shall consider in determining a local safety hazard may include, but need not be limited to, all of the following:

- (1) The severity of grade and curve of track.
- (2) The value of special skills of train operators in negotiating the particular segment of railroad line.
- (3) The value of special railroad equipment in negotiating the particular segment of railroad line.
- (4) The types of commodities transported on or near the particular segment of railroad line.
- (5) The hazard posed by the release of the commodity into the environment.
- (6) The value of special railroad equipment in the process of safely loading, transporting, storing, or unloading potentially hazardous commodities.
- (7) The proximity of railroad activity to human activity or sensitive environmental areas.

(c) In determining which railroad sites pose a local safety hazard pursuant to subdivision (b), the commission shall consider the history of accidents at or near the sites. The commission shall not limit its determination to sites at which accidents have already occurred, but shall identify potentially hazardous sites based on the criteria enumerated in subdivision (b) and all other criteria that the commission determines influence railroad safety. The commission shall also consider whether any local safety hazards at railroad sites have been eliminated or sufficiently

- 1 remediated to warrant removal of the site from the list required
- 2 under subdivision (b).

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